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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/942,818
Filing Date: August 29, 2001
Appellants: GUITER ET AL.

Howard Grossman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 30, 2008 ("Brief"), appealing from the Office action mailed July 20, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

3Com, "Handbook for the Palm VTM Organizer" (1999), pp. 6, 7, 15-20 and 23

U.S. Patent No. 6,658,272	Lenchik et al.	12-2003
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U.S. Patent No. 6,822,640	Derocher	11-2004
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U.S. Pub. No. 2001/0044319	Kobayashi	11-2001
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(9) Grounds of Rejection

The following grounds of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 7, 20, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over a document titled “Handbook for the Palm VTM Organizer” published by 3Com Corporation in 1999 (“3Com”) in view of U.S. Patent No. 6,822,640 to Derocher (“Derocher”) and U.S. Patent Publication No. 2001/0044319 by Kobayashi (“Kobayashi”).

As to claims 5 and 20, 3Com discloses a method for displaying information comprising: a first touch screen region (e.g., graffiti writing area) of a hand held device in an area identified by permanent printing (e.g., icons on application launcher), wherein said hand held device comprises a main display screen region (e.g., screen) distinct from said first screen region, said main display screen region free of any area of permanent printing, wherein said first screen region is implemented using a first screen unit, and said main display screen region is implemented using a second display screen unit (3Com, pp. 6, 7, and 15-20).

3Com does not disclose expressly wherein the first touch screen region is a display screen implemented using a first display screen unit for displaying computer generated information, or displaying said computer generated information on said first display screen unit automatically in response to a signal for turning off said second display screen unit.

Derocher discloses a computing device comprising a main display screen region (e.g., a display of a laptop); and a touch screen region (e.g., touchpad) that is implemented using a display screen unit for displaying computer generated information (Derocher, col. 7, ll. 1-12). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of 3Com such that the first touch screen region was implemented using a display screen unit (hereinafter “first display screen unit”) for displaying computer generated information, as taught by

Derocher. The suggestion/motivation for doing so would have been to provide a user with another means for entering information (Derocher, col. 7, ll. 10-12).

Kobayashi discloses a hand held device comprising a first display screen unit (26) and a second display screen unit (20), and displaying information on said first display screen unit automatically in response to a signal for turning off said second display screen unit (Kobayashi, ¶¶ [0030, 0034, 0035]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to further modify the teachings of 3Com and Derocher such that information was displayed on the first display screen unit automatically in response to a signal for turning off the second display screen unit, as taught by Kobayashi. The suggestion/motivation for doing so would have been to reduce electric power consumed by selectively using the display screen units depending on existing conditions (e.g., second display screen unit being on or off) (Kobayashi, ¶ [0030]).

As to claims 7, 28 and 29, most of the claim limitations have already been discussed and met by 3Com, Derocher and Kobayashi as detailed above in the rejection of claims 5 and 20, with the exception of: sending information for a clock display to said first display screen unit automatically in response to a signal for turning off said display screen unit.

As detailed above, 3Com, Derocher and Kobayashi taken collectively at the time the invention was made would fairly suggest, to one of ordinary skill in the art, sending information to said first display screen unit automatically in response to a signal for turning off said second display screen unit. 3Com discloses wherein the handheld unit is capable of displaying information for a clock on the second display screen unit (3Com, p. 23). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to further modify the information to be displayed on the first display screen unit of 3Com, Derocher and Kobayashi, such that information to be

displayed included clock data, as taught by 3Com. The suggestion/motivation for doing so would have been to conveniently provide a user a clock in the event that the second display screen unit is turned off, as one of ordinary skill in the art would appreciate.

Moreover, the examiner takes Official Notice that displaying information for a clock display to a smaller auxiliary display (e.g., first display screen unit) on a hand held device is old and well-known in the art. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to further modify the teachings of 3Com, Derocher and Kobayashi such that the first display screen unit displayed information for a clock display (e.g., automatically in response to a signal for turning off said second display screen unit, as detailed in the above paragraphs). The suggestion/motivation for doing so would have been to conveniently provide a user with information regarding the time of day, as one of ordinary skill in the art would appreciate.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over 3Com in view of Derocher and U.S. Patent No. 6,658,272 to Lenchik et al. ("Lenchik").

As to claim 24, most of the claim limitations have already been discussed and met by 3Com and Derocher as detailed above in the rejection of claims 5 and 20, with the exception of: in response to an event, displaying computer generated information on a second display screen region identified by permanent printing therein, wherein said event is an incoming phone call and wherein said computer generated information is a dialog enabling the receipt of said phone call.

3Com does not disclose expressly wherein the hand held personal digital assistant is capable of receiving incoming calls.

Lenchik discloses a hand held personal digital assistant that is capable of receiving incoming calls (inherently including data prompting a user for receipt of said incoming calls) (Lenchik, col. 4, ll. 53-64). At the time the invention was made, it would have been

obvious to a person of ordinary skill in the art to further modify the teachings of 3Com and Derocher such that the hand held device was capable of receiving incoming calls, as taught by Lenchik. The suggestion/motivation for doing so would have been to enable to personal digital assistant to function as a cellular phone (Lenchik, col. 4, ll. 53-64).

As discussed above, 3Com and Derocher taken collectively at the time the invention was made would fairly suggest, to one of ordinary skill in the art, the display screen associated with permanent printing (e.g., “second display screen region” in this particular claim) capable of displaying “applications that occasionally present a window that notifies the user of a specific, required action” (Derocher, col. 7, ll. 7-10). Thus, when 3Com, Derocher and Lenchik are taken collectively, examiner respectfully submits that it is apparent that the data prompting a user for receipt of an incoming call constitutes “applications that occasionally present a window that notifies the user of a specific required action” (as disclosed by Derocher), and therefore displays computer generated information on the second display screen region identified by permanent printing therein, wherein said event is an incoming phone call and wherein said computer generated information is a dialog enabling the receipt of said phone call.

(10) Response to Argument

As to applicant’s argument that Derocher is limited to a standard laptop or desktop computer (Brief, pp. 5-10), examiner respectfully disagrees. Applicant argues that the disclosure of “soft” keys (F1-F12 on a standard keyboard) at column 7, lines 1 through 5 of Derocher would lead one skilled in the art to take a standard touch sensitive pad on a desktop or a laptop computer and provide soft keys on that touch pad (emphasis added) (Brief, p. 5). Examiner respectfully disagrees, as Derocher continues at column 7, lines 7 through 10 to suggest that “other applications that occasionally present a window that notifies the user of a specific, required action can present this information by way of the touch pad.” Thus, examiner respectfully submits that the content of information displayed

on a touch pad is not limited to “soft” keys representing keys of a standard keyboard, but rather any type of information that would normally be presented in a window that notifies a user of a specific, required action.

Applicant argues that there is no motivation to introduce the teachings of Derocher into the graffiti writing area of the Palm V device in 3Com because: (1) the screen and the graffiti writing area are positioned right next to each other; and (2) the screen already provides a QWERTY keyboard and can provide a variety of different software applications presenting “soft buttons” for the user to enable the user to make appropriate selections (Brief, pp. 6-7 and 10). Examiner respectfully disagrees. Despite the proximity of the screen and the graffiti writing area of the Palm V device in 3Com, examiner respectfully submits that it would have been obvious to one skilled in the art to further modify the Palm V device such that the graffiti writing area (e.g., touch pad) included a display screen for displaying computer generated information as taught by Derocher for the purpose of “providing the user with another means of entering the required information” (emphasis added) (Derocher, col. 7, ll. 10-12). Furthermore, the computer generated information to be displayed in the graffiti area is not limited to a QWERTY keyboard or “soft buttons”. As discussed in the previous paragraph, “other applications that occasionally present a window that notifies the user of a specific, required action can present this information by way of the touch pad” (Derocher, col. 7, ll. 7-10). Thus, although the screen in the Palm V device may already provide a touch screen capable of displaying computer generated information and means for entering information, the proposed modification in view of Derocher would provide the user with another means for entering information (whether that information be the same or not), an advantage that one of ordinary skill in the art would readily appreciate.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Alexander S. Beck/

Examiner, GAU 2629

Conferees:

/Sumati Lefkowitz/

Supervisory Patent Examiner, Art Unit 2629

/Amr Awad/

Supervisory Patent Examiner, Art Unit 2629